

### **REMARKS**

In the above-mentioned, Final office Action, all of the pending claims were rejected. Claims 1-13 and 20 were rejected under §103(a) over the combination of Ghosh and Chuang. Claims 14-19 and 21 were rejected under §103(a) over the combination of Ghosh, Chuang, and Tiedemann.

Responsive to the rejections of the claims, independent claims 1 and 20 have been amended, as set forth herein, in manners believed better to distinguish the invention of the present application over the cited combinations of references.

Support for the proposed amendments is found in the specification, for instance, on page 14, line 24-page 15 , line 6 and page 17, lines 1-20.

With respect to claim 1, the claim has been amended, now to recite that the matrix stored at the storage device is defined in first and second dimensions. And, the recitation of the comparator has been amended to recite that the comparator is further for iteratively comparing the exemplary threshold values contained in the matrix to the traffic channel. And, the recitation of the selector has been amended, now to recite that the resource allocation that is selected is defined in terms of both the first and second communication indicia that define the location of the exemplary threshold value in the matrix. Claim 20 has been analogously amended.

Ghosh fails to disclose such structure or corresponding method. This reference, relied upon by the Examiner for showing selection of a modulation/coding scheme and for selection of a spreading code, fails to permit selection of both first and second communication indicia based upon location of a threshold value in a matrix.

And, while the Examiner relies on Chuang for showing a matrix, the matrix is not formed in the manner, as now recited, nor is the selection of a value contained in the matrix used in the manner as now recited.

Tiedemann, cited merely for showing a scheduler within a base station controller, also fails to disclose such structure or corresponding method. Accordingly, no combination of these

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references can be formed to create the invention, recited as now amended in the independent claims.

Amendments made to the dependent claims are made responsive to amendments to their respective parent claims. As these claims include all of the limitations of their respective parent claims, these claims are also believed to be patentably distinguishable over the cited combinations of references used thereagainst for the same reasons as those given with respect to their parent claims.

In light of the foregoing, independent claims 1 and 20, as now amended, and the dependent claims dependent thereon are believed to be patentably distinguishable over the cited combinations of references. Accordingly, reexamination and reconsideration for allowance of these claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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